HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 7364 OF 2006

DATED: 8.9.2006

Between:

Sri Malothu Bhoopal Singh

… Petitioner

and

Chief Divisional Manager,
Indian Oil Corporation and others

… Respondents

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 7364 OF 2006

ORAL ORDER:

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The writ petition is filed seeking a declaration as under:

> "…the inaction on the part of the respondents 1 to 3 in not allotting and handing over retail outlet dealership of Mettiguda at Hyderabad to the petitioner to as arbitrary, unjust, unfair, capricious and violative of Art.14, 19, 21, 300-A of the Constitution of India. Consequently directing respondents 1 to 3 to forth with allot and handover dealership of retail outlet of Petrol, Diesel at Mettiguda without any further loss of time to the petitioner."

The respondents 1 to 3 had called for applications for allotment of dealership to an S.T. candidate for a retail outlet at Mettuguda, reserved to be allotted to ST candidates. The petitioner herein, the 4th respondent and several others applied for the dealership under the reserved quota. Three persons were short-listed; the petitioner, the 4th respondent and another. The 4th respondent figured at serial number (1); the petitioner at serial number (2) and one M. Jayanati at serial number (3). The 4th respondent was treated as the 1st candidate on the basis of an MBA qualification obtained by him from a Canadian university but subject to proof of recognition of the Canadian degree by

India. He was issued a letter of intent and called upon to produce appropriate certification that the Canadian degree is recognized in India. He failed to do so. The letter of intent was proposed to be cancelled. At that stage, the 4th respondent filed W.P.No.26977 of 2005 contending that his Canadian MBA degree was equivalent to MBA of an Indian university and required no authentication or certification by any Government agency. W.P.No.26977 of 2005 has been dismissed for default today.

The current writ petition is filed contending that the 4th respondent is disqualified as his Canadian MBA degree is not recognized in India and therefore he cannot occupy the first place and consequently the petitioner ought to be awarded the dealership.

Whether the 4th respondent's qualification is valid and recognized or if not disentitles the 4th respondent to the 1st place among the short-listed applicants for allotment of a dealership reserved for ST candidates in Mettuguda, Hyderabad; whether if the 4th respondent is the 1st ranker among the short-listed applicants, the petitioner should be treated as the first and consequently awarded the dealership; are areas within the administrative judgment of the respondents 1 to 3. Now that W.P.No.26977 of 2005 (filed by the 4th respondent) has been dismissed by this court, the impediment if any to the consideration on merits of the short-listed candidates by the respondents 1 to 3, is removed. These official respondents are at liberty to exercise the available executive discretion in accordance with law and take a final call on a decision to award the dealership in

Mettuguda, Hyderabad. Any grievance thereafter could be pursued by the aggrieved before the appropriate forum and in accordance with law.

In view of the aforementioned analysis, no specific orders are necessary in this writ petition. The writ petition is disposed of. No costs.

GODA RAGHURAM, J

Date: 8.9.2006
cvm